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CINDY WADE
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board of Nevada was held by telephone conference call on Tuesday, August 6, 2013 at 12:00 Noon. A telephone was available for public use in Suite M245 at 4600 Kietzke Lane, Reno, NV 89502.

The following Board Members were present at the roll call:

David Rovetti, DC, President
Benjamin Lurie, DC, Vice President
Lawrence Davis, DC, Member
Tracy DiFillippo, Esq., Consumer Member
Annette Zaro, DC, Member

Secretary-Treasurer Jack Nolle, DC, and Consumer Member Shell Mercer were not present. CPBN Staff Attorney Louis Ling and Executive Director Cindy Wade were present.

Agenda Item 1 Public Interest Comments - No action.

There was no public comment.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Lurie made a motion to approve the agenda. Ms. DiFillippo seconded. The motion passed with all in favor.

Agenda Item 3 Ratification of granting of Doctor of Chiropractic licenses to applicants who passed the July 10, 2013 examination – For possible action

Ms. DiFillippo moved for ratification of the granting of Doctor of Chiropractic licensure to the applicants who passed the July 10, 2013 examination. Dr. Lurie seconded the motion and it passed with all in favor.

Agenda Item 4 Ratification of granting of Chiropractor's Assistant certificates to applicants who passed the July 18, 2013 examinations – For possible action

Ms. DiFillippo moved for ratification of the granting of Chiropractor's Assistant certificates to the applicants who passed the July 18, 2013 examinations. Dr. Davis seconded the motion and it passed unanimously.

Agenda Item 5 Approval of July 2, 2013 meeting minutes - For possible action

Ms. DiFillippo made a motion to approve the minutes of the July 2, 2013 meeting. Dr. Lurie seconded and the motion passed unanimously.

Agenda Item 6 Staff evaluations – For possible action

- A. Staff Attorney**
- B. Executive Director**

This matter was postponed until the next meeting due to the absence of Secretary-Treasurer Dr. Nolle.

Agenda Item 7 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

- A. Complaint 11-8S (Dr. Zaro)**
- E. Complaint 12-20S (Dr. Zaro)**
- K. Complaint 13-11S (Dr. Zaro)**

Dr. Zaro reported that these complaints remain at status quo.

- J. Complaint 13-10S (Dr. Zaro)**

Dr. Zaro is negotiating a settlement in this matter. It should be ready to be presented at the October 26-27, 2013 meeting.

- B. Complaint 11-21S (Ms. Mercer)**
- C. Complaint 12-04S (Ms. Mercer)**
- L. Complaint 13-12S (Ms. Mercer)**

There was no report from Ms. Mercer who was not present.

- D. Complaint 12-19S (Dr. Davis)**

Dr. Davis is still investigating this complaint.

- F. Complaint 13-05N (Dr. Rovetti)**
- G. Complaint 13-06N (Dr. Rovetti)**

Dr. Rovetti reported that he has some follow-up work to do on these complaints.

- H. Complaint 13-07S (Dr. Lurie)**

Dr. Lurie will meet with the DC on August 12 to resolve the minor infractions in this complaint.

It will be ready for disposition at the next meeting.

- I. Complaint 13-08S(A&B) (Dr. Lurie)**

Dr. Lurie has e-mailed the attorney to arrange for interviews with the two DCs.

- M. Complaint 13-13S (Dr. Lurie)**

Dr. Lurie explained that the complainant attended a DC's seminar about his treatment for diabetes. He then visited the DC who he claims told him his diabetes could be cured. He signed up for the program which provides supplements and a book with menus and recipes. After 12 weeks of adhering to the program, there was no change in his diabetic condition. Also, a request for help in mediating a settlement was received from another person who was dissatisfied with the program. After reviewing the issues with the DC, he agreed to fully reimburse both parties and they have withdrawn their complaints. Ms. DiFillippo moved to dismiss the complaint. Dr. Zaro seconded the motion and it passed with all in favor except Dr. Lurie who recused from voting because he is the Investigating Board Member.

- N. Complaint 13-14S(a) (Dr. Lurie)**

Dr. Lurie will have this malpractice complaint resolved by the next meeting.

N. Complaint & 13-14S(b) (Dr. Lurie)

This complaint was filed because the patient records pursuant to Complaint 13-14S(a) were not timely submitted to the Board's office in response to an official written request and a follow-up call. Dr. Lurie contacted the doctor who said he was out of town and the records were held up by his staff person. Dr. Lurie recommended the complaint be dismissed with a Letter of Instruction to the DC regarding the provisions of NAC 629.061. Ms. DiFillippo moved to dismiss Complaint 13-14S(b) with a Letter of Instruction to the doctor. Dr. Rovetti seconded the motion and it passed with all in favor except Dr. Lurie who recused.

O. Complaint 13-15S (Dr. Rovetti)

Dr. Rovetti's investigation into this complaint is in its initial stage.

P. Complaint 13-16N (Dr. Lurie)

This complaint was filed because a website for an applicant appeared before he was licensed. Dr. Lurie contacted the practice listed on the website but they would not schedule an appointment with the applicant until he was licensed. Dr. Lurie contacted the applicant who had hired a mass-media company that put up the website without his knowledge. The company sent a letter in which they acknowledge their fault. Ms. DiFillippo moved to dismiss the complaint. Dr. Zaro seconded and the motion passed with all in favor except Dr. Lurie who recused.

Q. Complaint 13-17N (Dr. Lurie)

This complaint was filed against the licensee who owns the practice advertised as the applicant's practice location in the website referred to in Complaint 13-16N. Dr. Lurie determined that the licensee had no knowledge of the existence of the website. Ms. DiFillippo made a motion to dismiss Complaint 13-17N and Dr. Zaro seconded. The motion passed with all in favor except Dr. Lurie who recused.

R. Complaint 13-18S (Dr. Lurie)

A patient filed this complaint because he was unable to obtain his patient records from a DC. Dr. Lurie contacted the DC who subsequently released all of the records to the complainant. Dr. Lurie recommended dismissal of the complaint with a Letter of Instruction to the DC regarding the provisions of NAC 629.061. Ms. DiFillippo so moved. Dr. Davis seconded and the motion passed with all in favor except Dr. Lurie who recused.

There was discussion about the proper handling of complaints about treatment programs in which it appears a doctor is not applying due diligence by rendering homogeneous treatment. The proposed prepayment plan regulation should have a positive effect.

Agenda Item 8 Discussion/approval to initiate process for implementation of FCLB "Triple CA" program – For possible action.

This matter was tabled until the October 5, 2013 meeting.

Agenda Item 9 Consideration of potential additions, deletions and/or amendments to NAC Chapter 634 – For possible action

There was not enough time to review the proposed regulation changes and a conference call meeting was scheduled for 12:00 Noon on Tuesday, August 20, 2013 for this matter. All proposed regulation changes should be submitted in advance of that meeting. A Rule-Making Workshop will be scheduled for November 16, 2013. There was some discussion but no decision regarding a separate x-ray certification for Chiropractor's Assistants.

Agenda Item 10 NCA Report – No action

James Overland, Sr., DC, requested to be involved in discussions regarding proposed changes that would affect Chiropractor's Assistants. He proposed the establishment of internships for students, i.e., medical assistant students, to work directly with chiropractors to gain front and back office experience under a waiver program. Dr. Lurie felt that the schools should submit something in writing as to what they would allow and what is to be accomplished under such a program. Dr. Rovetti will contact Dr. Overland regarding the specifics. Dr. Overland stated that Board members' "thumbs up, thumbs down" indications should be recorded in the minutes.

Agenda Item 11 Committee reports – No action

- A. Continuing Education Committee – Dr. Nolle**
- B. Legislative Committee – Dr. Lurie**
- C. Test Committee – Dr. Zaro**
- D. Preceptorship Committee – Dr. Davis**

This agenda item was postponed due to lack of time.

Agenda Item 12 Discussion/approval of future meeting dates.

Future meeting dates were determined under Agenda Item 9.

Agenda Item 13 Board Counsel Report – No action

Louis Ling would like as many Board members as possible to attend the Nassiri appeal at the Supreme Court on September 18 at 10:30 AM. They should coordinate this with Cindy

Agenda Item 15 Correspondence Report – No action

Dr. Rovetti will respond to an inquiry from the press about the February 7, 2013 AGO after the CPBN has met with the Physical Therapists and the Attorney General's office.

Agenda Item 14 Executive Director Report – No action

- A. Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory**

There were no comments about the Executive Director Report.

Agenda Item 16 Board Member Comments – No action

A licensee has volunteered to assist with continuing education application approvals. As there were no objections from Board members, Dr. Rovetti will talk to CE Chair Dr. Nolle about it.

Dr. Lurie apologized to Cindy Wade and Louis Ling because the staff evaluations were postponed again. Ms. DiFillippo commented that if one Board officer can't handle an assigned duty it should be taken over by one of the other officers.

An attorney's request for the Board's public records regarding SB 198 was discussed. Louis stated that in this particular case, there was nothing derogatory or embarrassing in the records. He reminded everyone that any time a Board member is engaged in the work of the Board by means of phone calls, texts, e-mails, etc., public records are being created even if one's personal phone is used. All such records should be businesslike and must be preserved in their entirety.

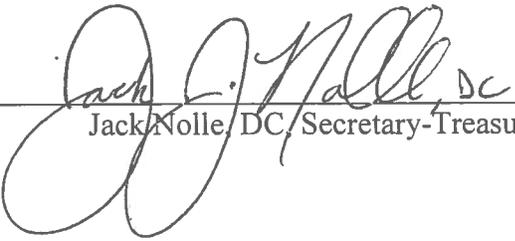
Agenda Item 17 Public Comment – No action

There was no public comment.

Agenda Item 18 Adjournment – For possible action

The meeting adjourned at 1:13 PM.

Approved: October 5, 2013



Jack Nolle, DC, Secretary-Treasurer